

MAR - 7 1991

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

BARBARA A. EVERLY, CLERK

IN RE:

Chapter 7
BANKRUPTCY NO.

CEDAR RAPIDS MEATS, INC.,
dba Farmstead Foods,

L-90-00445C

Debtor.

CEDAR RAPIDS MEATS, INC.,

ADVERSARY NO.

Plaintiff,

L-90-0230C

v.

PRESTIGE PACKING COMPANY,

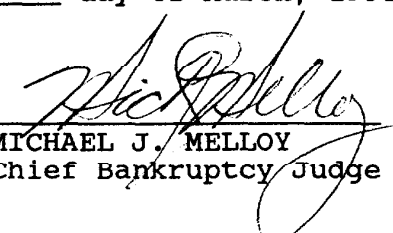
Defendant.

JUDGEMENT BY DEFAULT

The motion of the plaintiff for entry of judgment by default is before the Court. Based upon the review of the motion and affidavits on file, the Court finds that a judgment should enter for the relief sought.

IT IS THEREFORE ORDERED that judgment by default is entered against the defendant, Prestige Packing Company, in the sum of \$26,315.10 plus interest at 6.21%, from and after the date of this order.

DONE AND ORDERED this 7th day of March, 1991.


MICHAEL J. MELLOY
Chief Bankruptcy Judge

Copy to:
Thomas J. Lallier and
Thomas J. Wilkinson,
Attys for Plaintiff;
Mark Sokolik, President/CEO, of
Prestige Packing Company,
U.S. Trustee;

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U.S. Trustee;
this March 8, 1991
Michael A. Golay
Deputy Clerk, U.S. Bankruptcy Court
P.O. Box 74890
Cedar Rapids, Iowa 52407

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

In re:

CEDAR RAPIDS MEATS, INC.,
d/b/a FARMSTEAD FOODS,

Debtor.

CEDAR RAPIDS MEATS, INC.

Plaintiff,

vs.

PRESTIGE PACKING COMPANY,

Defendants.

Case No. L-90-00445C

Chapter 11

Adversary No. L-90-0230C

FILED
BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR - 8 1991

BARBARA A. EVERLY, CLERK

MOTION TO SET ASIDE DEFAULT JUDGMENT

COMES NOW Prestige Packing Company, by and through its attorneys, for its Motion to Set Aside Default Judgment pursuant to F.R.Civ.P. 60(1),(3), and (6), as made applicable by Bankruptcy Rule 9024 states as follows:

1. This adversary proceeding was commenced on or about November 13, 1990.

2. On or about December 6, 1990, Defendant, through its attorney, contacted the attorney for the Debtor advising him that Defendant was going out of business, was proposing a general distribution to its creditors as part of the voluntary liquidation, and requesting participation and consent of the Debtor, as a creditor of Defendant, in such proposal.

3. Defendant's next contact with Debtor occurred when it received a Notice of Motion for Default Judgment on or about February 4, 1991, which was duly forwarded to Defendant's attorneys.

4. Upon receipt of said Notice, Defendant's attorneys, on February 7, 1991, contacted the attorney for the Debtor, Plaintiff

in this case, to remind him of the earlier correspondence and the general proposal to creditors enclosed therein. At that time, Debtor's counsel advised that the case had just been converted to Chapter 7 and that a Trustee was in the process of taking over administration of the case. Debtor's counsel indicated that he would check with the Trustee concerning the proposal previously made by the Defendant and that he would get back to Defendant's attorney. Before concluding the telephone conversation, Defendant's attorney requested, and Debtor's attorney agreed, not to take a default judgment against Defendant pending the outcome of the settlement negotiations.

5. Subsequently, and without Notice to Defendant's attorneys, Plaintiff obtained entry of judgment by default on March 7, 1991 in the sum of \$26,315.10 plus interest at 6.21%.

6. In view of the foregoing premises, just cause exists for this Court to set aside its default judgment of March 7, 1991 so as to allow the parties to either consummate the settlement proposal heretofore pending, alternatively to allow Defendant to obtain counsel to defend its interests in these proceedings.

WHEREFORE, Movant prays this Honorable Court to enter its Order setting aside the Default Judgment order of March 7, 1991, and for such other and further orders and relief as this Court deems just and proper.

RADLOFF & RISKE

By: 

STUART J. RADLOFF
Attorney for Defendant
7700 Bonhomme Ave., Ste. 400
Clayton, Missouri 63105
(314) 725-9400

4-1do3

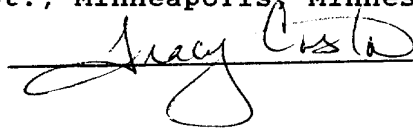
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filing attorney

APR 10 1991 *WJ*

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A copy of the foregoing mailed this 2nd day of April, 1991 to
Thomas J. Lallier, Mackall, Crounse & Moore, attorney for Debtor,
1600 TCF Tower, 121 S. Eight St., Minneapolis, Minnesota 55402.

4-1do3



UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

FILED
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

APR 12 1991

BARBARA A. EVERLY, CLERK

IN RE: Chapter 7
BANKRUPTCY NO.

CEDAR RAPIDS MEATS, INC.,
dba Farmstead Foods,
Debtor(s),

CEDAR RAPIDS MEATS, INC.
Plaintiff(s),

vs. ADVERSARY NO.
L90-0230C

PRESTIGE PACKING COMPANY,
Defendant(s).

Notice Setting Hearing on Motion to Set
Aside Default Judgment of Prestige Packing Company

TO: Stuart J. Radloff, Attorney for Movant/Defendant;
Thomas J. Lallier and Thomas J. Wilkinson, Jr., Attorneys
for Plaintiff;
U.S. Trustee;

NOTICE IS GIVEN the above matter will come before the Court for
hearing on:

May 20, 1991 at 1:30 P.M. in the

Bankruptcy Court Room, 800 The CENTER, 425 Second St. S.E.,
CEDAR RAPIDS, IOWA.

DATED April 12, 1991

BARBARA A. EVERLY
Clerk, Bankruptcy Court

by: *Michael J. Gray*
Deputy Clerk
PO Box 74890
Cedar Rapids, IA 52407

Copies mailed to
parties above-named
this April 12, 1991 MG

Recorded: VOL III
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MAY 20 1991

BARBARA A. EVERLY, CLERK

UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF IOWA

IN RE:

CEDAR RAPIDS MEATS, INC.
dba FARMSTEAD FOODS,
Debtor(s).

CHAPTER 7
BANKRUPTCY NO.
L-90-00445C

ADVERSARY NO.
L90-0230C

CEDAR RAPIDS MEATS, INC.,
Plaintiff(s),

PRESTIGE PACKING COMPANY,
Defendant(s).


MOTION TO CONTINUE HEARING


COMES NOW, the undersigned attorney for Debtor, and hereby states that the parties to the above-named adversarial complaint have reached agreement to settle the matter; that a Stipulation regarding such resolution is currently being drafted, but is not at this moment ready for filing with the Court; and that upon filing of such documentation, a Motion to Dismiss will be filed.

Pending such actions, the undersigned respectfully requests the Court continue the Hearing set for May 20, 1991 at 1:00 p.m.

Dated: Cedar Rapids, Iowa
May 20, 1991


WILKINSON LAW OFFICES


THOMAS J. WILKINSON, JR.
Local Counsel for Debtor
300 American Building
Cedar Rapids, IA 52401-1219
(319) 366-4990

Copy handed to
filing attorney
on date filed 

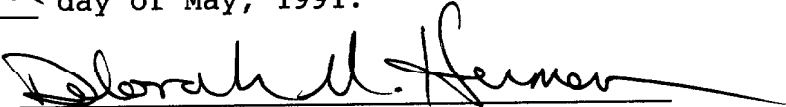
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MACKALL, CROUNSE & MOORE


THOMAS J. LALLIER *By Thomas J. Lallier*
Atty. No. 163041
Attorneys for Debtor
1600 TCF Tower
Minneapolis, MN 55402
(612) 333-1341

CERTIFICATE OF SERVICE

I, Deborah M. Herman, certify and attest that I sent by regular mail a copy of the foregoing document to which this certificate is attached to the parties or attorneys of record on the 20th day of May, 1991.

Signed: 

DEBORAH M. HERMAN
Wilkinson Law Offices
300 American Building
101 2nd Street SE
Cedar Rapids, IA 52401-1219

Cedar Rapids Meats, Inc.
d/b/a Farmstead Foods
PO Box 5009
Cedar Rapids, IA 52406

Freeman United Coal Company
Attn: Rick Jackson
PO Box 1087
Marion, IL 62959

Thomas J. Lallier
Mackall, Crounse & Moore
1600 TCF Tower
Minneapolis, MN 55402

International Paper Company
PO Box 91558
Chicago, IL 60693

Internal Revenue Service
Special Procedures Staff
Stop 22, PO Box 313
Des Moines, IA 50302

Iowa Electric Light & Power Co.
PO Drawer A
Cedar Rapids, IA 52406

Wilson Foods Corp.
Attn: Neil R. Johnson
4545 Lincoln Blvd.
Oklahoma City, OK 73105

J.M. Swank Company, Inc.
PO Box 365
North Liberty, IA 52317

Heller Financial, Inc.
Attn: Joanne Harmon & Paul Puryear, Jr.
200 North LaSalle St.
Chicago, IL 60601

Longview Fibre
Attn: Terry Brandon
PO Box 3000
Longview, WA 98632

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Chicago, IL 60603

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Albert Lea, MN 56007

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Doskocil Food Corp.
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South Hutchinson, KS 67564

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Division of Corporate Regulation
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RR 3
Cedar Rapids, IA 52401

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H. Raymond Terpstra III
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118 Third Avenue SE
Cedar Rapids, IA 52401

EV 11/89-

UNITED STATES BANKRUPTCY COURT - NORTHERN DISTRICT OF IOWA Kent
PROCEEDING MEMO Brad

DATE: May 20, 1991 Case No. L-90-00445C Chapter 7 Adv.No. L-90-0230C

RE: Cedar Rapids Meats v. Prestige Packing Company Contested No. _____

APPEARANCES: For Plaintiff/Debtor _____

For Defendant/Movant/Creditor _____

U.S. TRUSTEE _____ CASE TRUSTEE _____

NATURE OF PROCEEDING:

☐ Motion to Use Cash Collateral ☐ Objection to Exemptions/Lien Avoidance

☐ Disclosure Statement ☐ Pretrial/Scheduling Conference
U.S. BANKRUPTCY COURT
NORTHERN DISTRICT OF IOWA

☐ Confirmation of Plan ☐ Dischargeability/Discharge Complaint

☐ Motion to Dismiss ☐ Objection to Final Report/Claims Report

☐ Status Conference ☐ Motion to Assume/Reject
MAY 22 1991
BARBARA A. EVERLY, CLERK

☐ Other _____ ☐ Other Motion to Set Aside Default Judgment

OUTCOME:

☐ Settled: Settlement documents to be submitted within 30 days or matter will be dismissed pursuant to Local Rule 13(D).

☒ Other: Continue pending settlement

ORDERS:

☐ Taken Under Advisement _____

☐ Briefs Due _____

☐ Judgment Entered by the Court pursuant to F.R.B.P. 9021:

Copy to:
Tom Lallier
Tom Wilkinson,
Attys for Plaintiff;
Stuart Radloff,
Atty for Defendant
U.S. Trustee
this May 22, 1991 mg

IT IS SO ORDERED

RECORDED: Vol III
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[Signature]
Bankruptcy Judge

[JS]
[JB]
[AW]